Application No. **10/797,143**
Inventors: **Han Chen, et al.**
Application Filed: **March 11 ,2004**
Response to Office Action mailed **April 16, 2008**

Remarks

Reconsideration is respectfully requested. Claims 15-44 are pending. Claims 15-30 are rejected. Claim 15, 25, 26, and 28 are amended. In view of the election of claims 15-30 for continued prosecution in the present application for accelerated examination, claims 1-14 are cancelled herein without prejudice. Claims 31-44 are new.

For the reasons set forth below, Applicants respectfully submit that all pending claims are allowable.

I.   Obviousness Rejections

Claims 15-30 are rejected under 35 USC 103(a) as being unpatentable over US Patent Publication No 2002/0188556 (Colica) in view of US Patent No. 7,101,285 (von Kaenel). See Office Action mailed April 16, 2008, p.2.

Preliminarily, Applicants note that the patent number associated with the von Kaenel reference is US Patent No. 7,10_7_, 285, and not US Patent No. 7,101,285 as set forth in the detailed section of the Office Action. To this end, Applicants note that US patent no. 7,101,285 to Sekine and is entitled "Cross-Shaped Join". Further, Form PTO-892 Notice of References mailed with the Office Action identifies the von Kaenel reference as US Patent No. 7,10_7_,285.

Accordingly, Applicants assume that the recitation of the US Patent No. 7,101,285 in the detailed section of the office action is a typographical error. Applicants respectfully request the Examiner to confirm this typographical error, and further, in the event that this assumption is incorrect, Applicants respectfully request the Examiner to clarify the same.

Turning to the substance of the Examiner's obviousness rejections, the Examiner concedes that the Colica reference does not teach defining parameters. See Office Action, p. 2. Nevertheless, in referring to the von Kaenel reference, the Examiner asserts that the von Kaenel reference teaches analysis based on geospatial information and the ability to do various queries for various analyses, and further, concludes that

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that one or ordinary skill in the art would have recognized that the results of the combination were predictable since the claimed invention is merely a combination of old elements and in the combination each element merely would have been performed the same function as it did separately. See Office Action, pp. 2-3.

Applicants respectfully disagree and traverse the Examiner's rejections.

Contrary to the Examiner's assertions, it is unclear how the claimed combination set forth in pending claim 15 is a mere combination of old elements, and further, how each element would merely have performed the same function as it did separately. See Office Action, p.3. Applicants do not dispute that the cited portion of the von Kaenel reference to which the Examiner refers discloses geospatial information and performing analysis based on geospatial information. See von Kaenel, Col.17, lines 38-67.

However, to support a determination of obviousness requires more than a statement that the claimed combinations are old elements and each merely would have performed as it did separately, as asserted by the Examiner.

Indeed, as the Examiner is aware, when considering obviousness of a combination of known elements, the operative question is thus "whether the improvement is more than the predictable use of prior art elements according to their established functions." *KSR v. Teleflex* . 82 USPQ2d at 1396; See MPEP §2141 (I). Furthermore, "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn,* 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'[R]ejections on obviousness *cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning* with some rational underpinning to support the legal conclusion of obviousness.'" *KSR*, 82 USPQ2d at 1396; see MPEP §2141 (III) (emphasis added).

Indeed, contrary to the Examiner's assertions, the claimed embodiments are not merely a combination of old elements, nor would each element in the combination

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perform the same function as it did separately to render predictable results. <u>See</u> Office Action, p.3.

Notwithstanding the above, claim 15 is amended herein to include defining a plurality of parameters, determining a concentration of exposure using a financial perspective to determine exposure for an exposure location <u>based at least in part on the defined one or more of the plurality of parameters</u>; and generating an output <u>associated with the determined concentration of exposure, wherein the financial perspective includes apportionment of liability of a total loss associated with the exposure location into a plurality of segments.</u>

As shown, independent claim 15 is amended here for the sole purpose of advancing the prosecution of the present application, and is not to be construed to have been made to overcome the cited references. As understood, the cited references fail to disclose or otherwise render obvious the claimed combination set forth in pending independent claim 15 of the present application. Accordingly, Applicants respectfully submit that claim 15, and claims 16-30 dependent therefrom, are allowable.

With respect to the rejection of the dependent claims 16-30, Applicants renew all of the arguments set forth above in distinguishing claim 15, and respectfully submit that at least for the same reasons, dependent claims 16-30 are allowable.

II.   New Claims 31-44

A.   Claims 31-40

As can be seen, each of the newly added dependent claims 31-40 depends from pending claim 15. Accordingly, Applicants herein renew all of the arguments set forth above in distinguishing claim 15 from the cited references, and respectfully submit that at least for the same reasons, dependent claims 31-40 are allowable.

B.   Claims 41-44

Independent claim 41 is directed to a combination including retrieving a plurality of attributes associated with an exposure location; determining one or more parameters

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associated with each attribute, each of the one or more parameters including one or more of a liability level or a coverage level for a loss to the exposure location; determining a concentration of exposure for the exposure location based on the determined one or more parameters, and outputting an indication of the determined concentration of exposure, wherein the determined concentration of exposure indication includes a plurality of varying levels of liability within the exposure location.

As understood, the cited references fail to disclose or otherwise render obvious the claimed combination set forth in claim 41 of the present application. Accordingly, Applicants respectfully submit that claim 41, and claims 42-44 dependent therefrom, are allowable.

In view of the foregoing, Applicants respectfully submit that all pending claims are allowable, and request the Examiner's early examination of the pending claims in the present application. In the event that the Examiner deems a telephonic discussion would be helpful in advancing the prosecution of the present application, Applicants invite the Examiner to contact the Applicants' representative at (510) 652-6418, x82.

Respectfully submitted,

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Dated: July 16, 2008   By: /Seong-Kun Oh/

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